

FORM PTO-1390  
(REV. 01-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

P/4043-153

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/511822**

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/ES02/00194	19 April 2002	19 April 2002
TITLE OF INVENTION Polymorph of 4-[2-[1(2-ethoxyethyl)-1H-benzimidazole-2-yl]-1-piperidinyl]-aa-dimethyl-benzenoacetic acid		
APPLICANT(S) FOR DO/EO/US Aurelio ORJALES VENERO et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

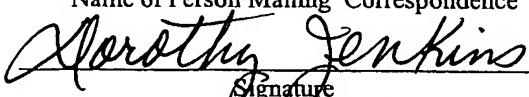
11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance
18.  A second copy of the published international application under
19.  A second copy of the English language translation of the interna
20.  Other items or information:  
3 sheets of drawings.  
Post card. Print EFS form.

## EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label EV 342535733US) in an envelope addressed to: Mail Stop: Box PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 19, 2004

DOROTHY JENKINS

Name of Person Mailing Correspondence

  
Dorothy Jenkins  
 Signature  
October 19, 2004

Date of Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/511822</b>		INTERNATIONAL APPLICATION NO. PCT/ES02/ 00194		ATTORNEY'S DOCKET NUMBER <b>P/ 4043-153</b>	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
<b>BASIC NATIONAL FEE (CFR 1.492(a)(1)-(5)):</b>					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....				\$1110.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....				\$950.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....				\$790.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....				\$750.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....				\$100.00	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$ 1110.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	18 - 20 =	0	<b>X \$18.00</b>	\$	
Independent claims	1 - 3 =	0	<b>X \$88.00</b>	\$	
<b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b>				<b>+ \$300.00</b> \$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1110.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				\$	
<b>SUBTOTAL =</b>				\$ 555.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 555.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 555.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input checked="" type="checkbox"/>	A check in the amount of \$ 555.00 to cover the above fees is enclosed.			Check No. 18427	
b. <input type="checkbox"/>	Please charge my Deposit Account No. in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed.				
d. <input type="checkbox"/>	Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.				
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 Avenue of the Americas New York, NY 10036-8403					
Tel: (212) 382 0700					
 SIGNATURE Mark A. Farley NAME 33,170 REGISTRATION NUMBER					



10/511822

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 Mark A. Farley

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P/4043-153  
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PLICATION S/N

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018427 0210000211134726650

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 NOT VALID OVER \$5,000.00PCT/ES02/00194  
 Serial No. \_\_\_\_\_ Filing Date \_\_\_\_\_

OFGS File No. P/4043-153

Title Polymorph of 4-[2-[1(2-ethoxyethyl)-1H-benzimid

First Inventor Aurelio ORJALES VENERO Date \_\_\_\_\_

Last Due Date: Oct. 19. 2004

The PTO has received:

 Patent Application of \_\_\_\_\_ TM Application     ITU Basis Pages (including claims & abstract) Statement of Use Declaration or  Designation Sheet Extension of Time Drawings 3 Sheet(s)/Figs. 1 to 3 Notice of Appeal Priority Document Brief Small Entity Declaration Petition Assignment & Conveyance Cover Sheet Status Request Information Disclosure Statement Issue Fee PTO-1449 Certificate of Mailing Amendment Express Mail No. EV342535733US Affidavit or Declaration English translation.

PTO STAMP

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Atty/Secy \_\_\_\_\_